

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MATTHEW FAIRBANKS, JASON DAMMAN, COLIN BEERE, JOHN QUARNSTROM, ANDREW GRAHAM, and BLAKE PARSONS or any successors as TRUSTEES OF THE SHEET METAL LOCAL #10 CONTROL BOARD TRUST FUND, and THE SHEET METAL LOCAL #10 CONTROL BOARD TRUST FUND,

Plaintiffs,

v.

DP FABRICATION L.L.C.,

Defendant.

Court File No. 23-cv-2490 (NEB/TNL)

**DECLARATION OF
LARINA A. ALTON**

I, Larina A. Alton, declare as follows:

1. I am an attorney. I was fairly recently retained as counsel for DP Fabrication L.L.C, an entity related to Twisted Mechanical, LLC. The matter I was retained to address is unrelated to the underlying suit in this matter. However, in the course of that work, I became aware of certain client concerns related to union issues and the payment of fringe benefits. Specifically, they raised questions related to an audit being sought by a Benefits Board of Twisted Mechanical. In connection with that, they sent me a letter they had received notifying them that their Answer deadline had passed in a co-pending matter. I immediately reached out to counsel, Amy Court, in that case to seek an extension and to explore the potential for a resolution. I am not a labor attorney, and it is a niche area of practice. I also do not have established relationships with employer-side labor counsel outside of Maslon's own attorneys. Therefore, in order to

obtain qualified and competent counsel for that matter, I solicited referrals and interviewed potential attorneys and had them run conflicts – a process which, although I prioritized it, took several days.

2. This week, I introduced new labor counsel to the parties involved in the benefits board and audit questions. In connection with that, Ms. Court requested information not just from Twisted Mechanical, who I understood was a defendant in a pending case, but also DP Fabrication, a separate entity that we did not know had been sued (this case). Therefore, on September 26, 2023, I did a PACER search to ensure that we as counsel were aware of all potential labor issues related to either Twisted Mechanical or DP Fabrication. As a result of that search, I learned of the above-captioned matter and a pending entry of default.

3. I declare under penalty of perjury that the foregoing is a true and correct reflection of my personal knowledge with respect to this matter.

Dated: September 28, 2023

/s/Larina A. Alton
Larina A. Alton